

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DARNELL L. RUSSELL,

Petitioner,

vs.

SCOTT FRAKES, Director of Nebraska  
Department of Correctional Services; and  
MICHELLE CAPPS, Warden of  
Nebraska State Penitentiary, Lincoln,  
Nebraska;

Respondents.

**8:19CV213**

**MEMORANDUM AND ORDER**

This matter is before the court on Petitioner's Motion for Reconsideration ([filing no. 18](#)) of the court's April 27, 2020 Memorandum and Order ([filing no. 16](#)) and Judgment ([filing no. 17](#)) that dismissed Petitioner's Petition for Writ of Habeas Corpus with prejudice because it is barred by the one-year statute of limitations. *See* 28 U.S.C. § 2244(d). In this motion, Petitioner argues that the court miscalculated "the one-year AEDPA's deadline" and erred in its decision to deny a certificate of appealability. ([Filing No. 18 at CM/ECF p. 1.](#)) Upon consideration of Petitioner's motion, the court finds no merit to his arguments. Specifically, to the extent Petitioner claims that he is entitled to the benefit of the time period between the date the Nebraska Supreme Court affirmed his conviction and sentence and the date the court issued its mandate in the direct appeal, his argument lacks merit for the reasons explained in the court's April 27, 2020 Memorandum and Order. (*See* [Filing No. 16 at CM/ECF pp. 1–3 & n.1.](#)) Accordingly,

IT IS ORDERED that: Petitioner's Motion for Reconsideration ([filing no. 18](#)) is denied.

Dated this 3rd day of June, 2020.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive style with a large, stylized "R" and "K".

Richard G. Kopf  
Senior United States District Judge